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REMARKS

Reconsideration of the present application is respectfully requested. Applicant thanks the Examiner for the allowance of claims 20-27 and 41, and the indicated allowability of claims 34, 40, 42 and 43. Applicant notes that page 1 of the Office Action states that claims 35-39 are rejected, whereas page 8 states that claims 35-40 are allowed. In the remarks to follow, Applicant assumes that claims 35-39 were rejected (which is consistent with other pages of the Office Action), and that claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The Office Action rejected independent claims 28 and 35. Applicant proposes amendments to each of these claims, and submits these amendments within two months of the mailing of the Office Action. Applicant respectfully requests an Advisory Action which considers these amendments.

Applicant has amended claims 28, 35, 38 and 39. No new matter has been added to the application.

The rejections under 35 U.S.C. § 103.

In paragraph 3 of the Office Action, claims 35-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art (AAPA).

With regards to claim 35, Applicant has amended claim 35 to include that the plurality of gripping elements extend from the surface of a rotary die, and wherein said gripping elements are formed integrally with the one said rotary die. With these amendments, Applicant has clarified claim 35. Applicant makes these amendments without admission that the previously presented claim

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35 was an obvious variant of AAPA. Applicant respectfully requests withdrawal of the rejection of claim 35, and allowance of claim 35 and all claims dependent thereon.

With regards to claims 36-38, these claims each include a combination of elements not found in any of the references, either singly or in combination. Each of these claims is allowable at least by being dependent upon an allowable independent claim. Applicant respectfully requests withdrawal of the rejections and allowance of these claims.

The Office Action states that the phrase "partially pierced through the thickness of said scrap portions" does not exclude fully piercing. Applicant intends for the scope of the claims to be determined by the language of the claims as interpreted under the law. Applicant objects to this statement and other statements in the Office Action to the extent that they suggest a claim scope different than that offered by the claim language itself.

In paragraph 5 of the Office Action, claims 28-34 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over '666 in view of U.S. Patent No. 5,881,620 to Smithwick.

With regards to claim 28, Applicant has amended this claim to include that the gripping elements are sized and positioned so as to pierce at least partially through said scrap portions. In contrast, Smithwick teaches that his "rubber ejector strips 200 start to compress" rather than pierce corrugated board 260 (col. 5, lines 16-18; FIGS. 6 and 7). None of the references, either singly or in combination, disclose the combination of elements of claim 28. Applicant respectfully requests withdrawal of the rejection of claim 28, and allowance of claim 28 and all

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claims dependent thereon. Applicant makes these amendments without admission that the previously presented claim 35 was an obvious variant of AAPA.

With regards to claims 29-34 and 42, these claims each include a combination of elements not found in any of the references, either singly or in combination. Each of these claims is allowable at least by being dependent upon an allowable independent claim. Applicant respectfully requests withdrawal of the rejections and allowance of these claims.

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CLOSING

Applicant has amended claims 28, 25, 38 and 39. Applicant respectfully requests reconsideration of pending claims 20-43.

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede any basis for rejections or objections in the Office Action. For those rejections based upon a combination of references, there is no admission that the cited combinations are legally permitted, properly motivated, or operable. Further, with regards to the various statements made in the Office Action concerning any prior art, the teachings of any prior art are to be interpreted under the law. Applicant makes no admissions as to any prior art. The remarks herein are provided simply to overcome the rejections and objections made in the Office Action in an expedient fashion.

The undersigned welcomes a telephonic interview with the Examiner if the Examiner believes that such an interview would facilitate resolution of any outstanding issues.

Respectfully Submitted,

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